

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

GARY N. BARNES

PLAINTIFF

VS.

CIVIL ACTION NO. 3:08-cv-450-WHB-LRA

MICHAEL J. ASTRUE,
Commissioner of Social Security

DEFENDANT

OPINION AND ORDER

This cause is before the Court on Plaintiff, Gary N. Barnes's ("Barnes"), Objection to the Report and Recommendation of United States Magistrate Judge Linda R. Anderson. The Court, having considered the Objection, the record in this case, as well as governing authorities, finds the Objection should be denied.

I. Discussion

The record shows that Judge Anderson entered a Report and Recommendation ("R&R") concluding that the administrative decision to deny Barnes's application for Disability Insurance Benefits and Supplemental Security Income Benefits was supported by substantial evidence and, therefore, should be affirmed. See Report [Docket No. 23]. Barnes timely objected to the R&R. Under controlling standards, a district judge has the authority to review a magistrate judge's report and recommendation on dispositive motions, and is required to make a *de novo*

determination of any portion of a report and recommendation to which a specific written objection is made. See 28 U.S.C. § 636(b); FED. R. CIV. P. 72(b). Thereafter, the district judge may accept, reject, or modify the recommendation of the magistrate; receive further evidence in the case; or recommit the matter to the magistrate with further instructions. Id.

In the case *sub judice*, Barnes objects to the findings of Judge Anderson on the issues of whether the Administrative Law Judge ("ALJ") properly assessed and weighed the opinions of his treating physician, and whether there was substantial evidence in the record to support the ALJ's decision. After conducting a *de novo* review of the subject portions of the R&R in light of the objections, the Court finds that the R&R is well reasoned and supported by applicable law. The Court additionally finds that the decisions of the ALJ were supported by substantial evidence and included no legal errors that would require the Court to reverse that decision. Accordingly, the Court will adopt the R&R over Barnes's objections.

III. Conclusion

For the foregoing reasons:

IT IS THEREFORE ORDERED that the Report and Recommendation of the Magistrate Judge [Docket No. 23] is hereby accepted and adopted.

IT IS FURTHER ORDERED that Plaintiff's Objection to the Report and Recommendation [Docket No. 24] is hereby denied.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [Docket No. 13] is hereby denied.

IT IS FURTHER ORDERED that Defendant's Motion for an Order Affirming the Decision of the Commissioner [Docket No. 17] is hereby granted. A Final Judgment dismissing Plaintiff's appeal shall be entered this day.

SO ORDERED this the 4th day of January, 2011.

s/ William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE